

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

KEITON SMITH,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 2:22-cv-00872-CDS-EJY

ORDER

Before the Court is Plaintiff's Motion to Compel (ECF No. 49). In his Motion, Plaintiff seeks a court order requiring the Nevada Department of Corrections ("NDOC") to search medical records for Defendant "Cheryl" whose full name, Plaintiff contends, can be located therein.

On March 22, 2023, the Court entered an order requiring the Deputy Attorney General to identify a potential defendant named "Cheryl." ECF No. 40. On April 24, 2023, the Deputy Attorney General filed an update with the Court in which he stated neither the NDOC nor the Office of the Attorney General was able to identify the employee or former employee named "Cheryl" to whom Plaintiff refers. ECF No. 45. Plaintiff now wants the Court to order the Attorney General to search medical records for Cheryl's full name. Plaintiff has access to his medical records and may request the same through administrative procedures with which the Court is assured he is familiar. However, to shortcut the process, the Court enters the Order below requiring Plaintiff be given such access no later than 30 days after the date of this Order so that he may attempt to locate the "Cheryl" to whom he refers.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion to Compel (ECF No. 49) is GRANTED to the extent the Attorney General is ordered to facilitate and ensure Plaintiff receives access to his medical records no later than **June 12, 2023**, and provided paper and a writing tool so that he may attempt to identify "Cheryl." The Attorney General must file a notice confirming compliance with this Order.

1 IT IS FURTHER ORDERED that if Plaintiff is able to identify “Cheryl”, he is to provide
2 the full name and title of the individual to whom he refers by filing the same with the Court no
3 later than **June 22, 2023**.

4 IT IS FURTHER ORDERED that if Plaintiff is unable to identify “Cheryl” after an
5 opportunity to review his medical records, the Court will recommend “Cheryl” be dismissed from
6 this action without prejudice.

7 DATED this 12th day of May, 2023.

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9 ELAYNA J. YOUCHAH
10 UNITED STATES MAGISTRATE JUDGE
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